

Judicial Qualifications Checklist

(updated May 16, 2016)

The Judicial Merit Selection Commission's investigation of judicial candidates should include, but is not limited to, the following qualifications for judicial candidates: (1) constitutional qualifications; (2) ethical fitness; (3) professional and academic ability; (4) character; (5) reputation; (6) physical health; (7) mental stability; (8) experience; and, (9) judicial temperament. S.C. Code Ann. § 2-19-35 (Supp. 1997). The following checklist can be used to consider these qualifications.

This checklist includes qualifications for all judges, though certain judges may have additional qualifications (such as residency requirements for family court judges).

	Qualification	Cite	Where to find
	Constitutional Qualifications		
	Candidate must be a citizen of the United States and of South Carolina.	S.C. Const., art. V, § 15.	Questions 2 and 3, PDQ
	Candidate must be at least 32 years old.	S.C. Const., art. V, § 15.	Question 2, PDQ
	Candidate must be a licensed attorney who has been licensed for at least 8 years.	S.C. Const., art. V, § 15.	Question 8, PDQ
	Candidate must be a resident of South Carolina and have been a resident for at least 5 years at time of election.	S.C. Const., art. V, § 15; S.C. C	Question 3, PDQ
	Ethical Fitness		
	Candidates must have the ability to perform adjudicative duties impartially and deal with litigants, lawyers, witnesses, and others objectively and without bias. At a minimum, a sitting judge will be expected to have complied with the Code of Judicial Conduct's requirements to avoid impropriety and to exhibit impartiality.	Code of Judicial Conduct, Canon 2	
	Sitting judges must have complied with the Code of Judicial Conduct's prohibition against the acceptance of gifts.	Code of Judicial Conduct, Canon 3	
	Candidates must comply with the rules against ex parte communications.	Code of Judicial Conduct, Canon 3	
	A candidate's past actions and deeds should demonstrate consistent adherence to high ethical principles, and his or her reputation should be above reproach.		
	No candidate for judicial office may seek directly or indirectly the pledge of a member of the General Assembly's vote or contact a member of the General Assembly regarding judicial screening.	S.C. Code Ann. § 2-19-70(C) (Supp. 1997).	Questions 41, 42, 43, and 44, PDQ
	A candidate must report spending in excess of \$100 by him or on his behalf in seeking the office.	S.C. Code Ann. § 8-13-920 (Supp. 1997).	Questions 40 and 41, PDQ
	Professional and Academic Ability		
	All candidates are expected to be well-versed in fundamental legal principles and in procedural and evidentiary rules. The Commission will review each candidate's academic record.		Questions 7, 9, 10, 11, and 12, PDQ

	Each candidate must be dedicated to continuing legal education and have, at a minimum, complied with the South Carolina rules for continuing legal education.		Question 10, PDQ
	Character		
	The Commission must look to the character of candidates regarding their ethical standards and work habits through an investigation of any complaints, grievances, or criminal allegations made against a candidate.		Questions 31, 32, 34, 35, 38, and 39, PDQ
	The Commission will look at financial responsibility as way of demonstrating self-discipline and the ability to withstand pressures which might compromise independence and impartiality.		Question 29, 30, and 33, PDQ
	Reputation		
	Practicing lawyers and those who have constant exposure to the state's court system must have confidence in the state's judiciary. The commission must therefore solicit information from members of the Bar, Clerks of Court, and other pertinent individuals on each candidate through responses to questionnaires and interviews of members of the Bar.		Bar Survey Questionnaires; Newspaper Search; Questions 6, 15, 24, and 46, PDQ
	Physical and Mental Health		
	Candidates must be both mentally and physically capable of performing the duties of the office sought with or without reasonable accommodation for any mental or physical impairment that substantially limits major life activity. The commission must seek to determine that each candidate can perform the functions of the job with or without reasonable accommodation.		
	Experience		
	The extent and variety of a candidate's experience as an attorney or as a judge or both should be considered in light of the nature of the judicial vacancy to be filed. The most important consideration should be the depth and breadth of the professional experience and the competence with which it has been performed.		Questions 8, 14, 16, 17, 18, 19, 20, 21, 22, 23, 25, and 26, PDQ
	Judicial Temperament		
	The commission must place strong emphasis on each candidate's ability to consistently exhibit judicial temperament. Conduct which is arrogant, impatient, or arbitrary is an impediment to the administration of justice, and this should be considered by the commission.		
	Other Qualifications and Requirements		
	No member of the General Assembly may apply for a judicial office while he/she is serving in the General Assembly nor shall that person apply for a judicial office for a period of one year after he/she either (1) ceases to be a member of the General Assembly; or (2) fails to file for election to the General Assembly in accordance with § 7-11-15.	S.C. Const., art. V, § 27. S.C. Code Ann. § 2-19-70 (Supp. 1997).	
	No candidate may seek directly or indirectly the pledge of a member of the General Assembly's vote or,	S.C. Code Ann. § 2-19-70 and	

	directly or indirectly, contact a member of the General Assembly regarding screening for the judicial office until the qualifications of all candidates for that office have been determined by the commission.	§ 8-13-930 (Supp. 1997).	
	No person may concurrently seek more than one judicial vacancy.	S.C. Code Ann. §2-19-20(C), Act No. 32 of 1999	

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